

IN THE CIRCUIT COURT
OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

CASE NO.: 2024-022769-CA-01

DIVISION: CA02

JUDGE: Hon. Lourdes Simon

KP INVESTMENTS MIAMI, LLC,

Plaintiff,

v.

MARIO MIRABAL,

Defendant.

_____ /

EMERGENCY NOTICE OF PENDING FLORIDA SUPREME COURT
WRIT AND FEDERAL PROCEEDINGS; OBJECTION TO OCTOBER 7,
2025 RULE TO SHOW CAUSE HEARING and OCTOBER 14, 2025
HEARING

COMES NOW Defendant Mario Mirabal, pro se, and respectfully provides
this Emergency Notice and Objection regarding the hearing currently
scheduled for October 7, 2025 at 9:30 A.M., and states as follows:

1. PENDING FLORIDA SUPREME COURT WRIT NAMING THIS

COURT

Defendant currently has a Writ of Prohibition and Emergency Stay Request pending before the Florida Supreme Court, filed under Case No. SC2025-1325, which names Judge Lourdes Simon and Judge Orshan in their official capacities. The petition seeks supervisory relief and protective review based on constitutional and jurisdictional violations directly arising from this case.

This writ was docketed and acknowledged by the Florida Supreme Court and remains pending as of the date of this filing.

2. PARALLEL FEDERAL PROCEEDINGS IN THE SOUTHERN DISTRICT OF NEW YORK

In addition, Defendant has filed three active federal civil actions in the U.S. District Court for the Southern District of New York (SDNY), specifically:

Case No. 1:25-cv-07418-LJL-OTW

Case No. 1:25-cv-07419-VEC

Case No. 1:25-cv-07423-LJL-SN

Each of these federal actions arises from the same core set of facts as this matter and includes claims under 42 U.S.C. § 1983, and the Racketeer

Influenced and Corrupt Organizations Act (RICO).

Importantly, KP Investments Miami, LLC and its attorneys (including John Cunill, Kenneth Damas, and related law firms) are named defendants in those federal actions. Service of process is currently underway via the U.S. Marshals Service.

2A. JUDGE SIMON IS REFERENCED IN PENDING FEDERAL LITIGATION

While not named in the case caption, Judge Lourdes Simon is referenced by name in the federal complaint currently pending before the U.S. District Court for the Southern District of New York, in connection with alleged constitutional violations and her role in proceedings arising from this case. The complaint details patterns of judicial tolerance of fraud, denial of jurisdictional objections, and improper coordination with conflicted litigants. Any further adverse action against Defendant under these circumstances would raise serious federal oversight concerns and threaten irreparable constitutional harm.

3. NOTICE OF DISQUALIFYING CONFLICTS

Defendant has previously provided written notice to this Court and to KP's counsel that their continued participation in this state proceeding while they are actively being served as named defendants in multiple federal actions raises disqualifying conflicts of interest.

Despite this, the Court has scheduled a Rule to Show Cause hearing, placing Defendant at further procedural risk in a forum clouded by unresolved

jurisdictional defects and overlapping federal claims.

4. OCTOBER 7 HEARING RISKS VIOLATION OF FEDERAL AND STATE CONSTITUTIONAL PRINCIPLES

Proceeding with the October 7, 2025 hearing under these circumstances would:

Violate Defendant's procedural and constitutional rights;

Undermine the doctrine of primary jurisdiction, particularly where overlapping facts and parties are before federal courts;

Risk direct interference with the jurisdiction of the Florida Supreme Court and SDNY;

Constitute a further act of judicial suppression and conflict-based adjudication, especially after prior notices were ignored.

5. OBJECTION AND REQUEST FOR DEFERRED ACTION

Defendant objects to the October 7, 2025 hearing in full and respectfully requests that the Court:

Cancel or stay the hearing pending resolution of the Florida Supreme Court

writ;

Acknowledge the active service of process in related federal litigation naming KP's counsel;

Avoid taking further action that may conflict with or interfere with federal court jurisdiction.

6. LACK OF PRIOR NOTICE AND DOCKET INCONSISTENCY

Defendant further notes that the October 7, 2025 hearing was not listed on the docket or noticed prior to October 3, 2025, and appears to have been scheduled without proper motion, formal request, or advance calendar publication. This sudden addition, following Defendant's prior objection to the October 14 hearing and amidst pending federal and Florida Supreme Court filings, creates the appearance of retaliatory calendar manipulation. The procedural irregularity further supports this objection and strengthens the request for immediate deferral of all adverse action.

Defendant also notes that the October 7, 2025 9:24 AM email delivery of notice that hearing was subsequently cancelled with the docket entry citing only 'Pending order on.' However, the constitutional, jurisdictional, and federal conflicts outlined herein remain unresolved, and Defendant maintains this objection in full. The October 14 hearing still remains scheduled and raises equally serious due process and retaliatory concerns and should be stayed

Respectfully submitted,

Mario Mirabal

Pro Se Defendant

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October 6, 2025